

Law Text Culture

Volume 4 *Issue 2*

Article 19

1998

Tomber juste

N. Strobbe
Macquarie University

Follow this and additional works at: <https://ro.uow.edu.au/ltc>

Recommended Citation

Strobbe, N., Tomber juste, *Law Text Culture*, 4, 1998, 288-297.

Available at: <https://ro.uow.edu.au/ltc/vol4/iss2/19>

Research Online is the open access institutional repository for the University of Wollongong. For further information contact the UOW Library: research-pubs@uow.edu.au

Tomber juste

Abstract

This name no longer names Jean-Francois Lyotard. A name which can no longer speak in our idiom, an absolutely different name, a diffirend. How to remember the unrepresentable?

What time belongs to this temporality; this passing that has been, and that goes under to his name (with which we are out of touch, and which left in the historicity of a touch, leaving touch, dis-sensus)?

Tomber Juste

Nicholas Strobbe

‡ This name no longer names Jean-François Lyotard. A name which can no longer speak in our idiom, an absolutely different name, a *differend*. How to remember the unrepresentable?

What time belongs to this temporality, this passing that has been, and that goes under to his name (with which we are out of touch, and which left in the historicity of a touch, leaving touch, *dis-sensus*)? A singular name, then, that called to the *post modo*, which left itself at inception, and even as its inception. Of what time are we speaking, with respect, to this historicity that touches us here? What is the time of the touch? But time is given in the failure (and the failure of the presentation, for these are not one) of the end, which would mean that not only is there not a self-identical end, but that the end would be multiple and differentiated (and indicate, too, a certain impossibility of lack that would be generative and not a simple nothing, that 'trick facility of an empty Alterity' or Zero in that heterogenous and 'evil book' of his, *Libidinal Economy* – if it is a book – and which, moreover, would not be reduced to a critique). How is time given in this failure of the end? To touch on the end in other words – but does not touch reach its end? Is death the absence of touch, is this what would touch us?

But death touches us (it is not that one doesn't experience death, or that it is not significant for us). Death marks an absence of the mediation of touch. The dead are untouchable, and yet death has the capacity of touching us terribly. In death, we cannot

touch the other, the other is un-present(able), so that this touch reaches out to its abyss and is experienced there in the suspension of the other. Death is where I reach out and touch in vertigo the suspension of the other.

‡ If one cannot touch the touch, if one cannot stop this suspension, make it present, it is because this touch and its suspension is time. It is a time whose denomination would be the discontinuous present (that is, not the simple present 'I think' or the continuous present 'I am thinking'). Time, the present, the now, is already a delay – so that we can not say that there is any touch without historicity and time. Touch, like time, in suspension (*ἐποχ*), is unendurable. Here the limit or the littoral touches the literal, the object of discourse touches the edge of its presentness there (*l'y*), but always already in its delay, in a touch that always overreaches itself, too late (*tard*), in which it is not absolutely recognised. Here, nothing can touch the suspension (*tomber*) of touch (this suspension is kept open). It is untouched, and this suspension is just now (*juste*).

‡ For-gotten.

Be loved.

‡ This space in which one will have been finally converted (in the night: April 20-21). Though remembering here is without recollection, here in the Antipodes, in the seas of another shore and in an other archipelago, and of what remains *tout juste*. This archipelago which, for Lyotard (who is concerned with the political and the just, *les justes*, and gets the irreducible necessity of judging just right, hitting the nail on the head, as one might

say, *tomber juste*), names the incommensurability of heterogeneous genres of discourse, an incommensurability in which there is no determined object with respect to the faculty of judgement (where the faculty of judgement marks a passage in the seas between these islands). The island is a narrative and a genre, but the passage between the borders of the islands (*pagus*) is without an end or a final Idea, a littoral zone of heterogeneous differentiation between genres which allows *differends* to arise. (Did we not see this, adrift – whether the sea has an edge? Always to approach it, to approach its edge *de juste*, its limit, as this *informe* ... but the sea withdraws its edge, it is the withdrawal of the edge. It does not tear, it is pure tear.)

The island goes under to the sea in the concatenation of genres or what Lyotard terms the ‘deliberative’. In fact, this incomplete dialectics of the deliberative lacks a concept of the Good, the True, or the Law (‘The law’, he writes in *The Differend*, ‘is not deduced’). Where would we go for an immanent Truth? – Terror. That would be the truth of the final word. To have determined the touch of law as an object would require that the rule of its signification have been made present. On the other hand, reflective judgement lacks this rule, and it is this in Kant which Lyotard traces so extraordinarily in the aesthetic. Lacking either a rule, a concept, or a form, reflective judgement marks the crisis of a judgement which, moreover, can not even properly be designated as cognitive.

Law, in this case, will have been touched in the exposure of its relation to its insensible and unrepresentable, form – justice. It is this unprecedented touch, after all, which is indicated (no,

not identified) in the sensible or affect of the aesthetical, and which precedes the law:

To be, aesthetically (in the sense of Kant's *First Critique*), is to be-there, here and now, exposed in space-time, and to the space-time of something that touches me before any concept or even any representation. This *before* is not known, obviously, because it is there before we are. It is something like birth and infancy (Latin, *in-fans*) – there before we are. The *there* in question is called the body. It is not "I" who am born, who is given birth to. "I" will be born afterwards, with language... When the law comes to me, with the ego and language, it is too late. Things will have already taken a turn. And the turn of law will not manage to efface the first turn, this first *touch*. Aesthetics has to do with this *first touch*: the one that touched me when I was not there [*Prescription*].

The touch touches me before me. It converts me towards the direction of the touch only just, but also exactly, *tout juste*. I will never have touched this touch. This one who touches us, and who is in a sense incommunicable. And yet this touch is something that affects us, an incalculable experience without a concept, and hence a discontinuous experience. To speak of what touches us is to speak of what is given over an interval, and even the sublime or ungraspable. Touch overreaches itself, it will never have touched this touch and determined or understood it. In a way, touch converts me at my limit; such that we may say that men and women are linked – by turning. (Does the touch go to its distance? Here, in an invisible interiority which is not a simple nihilation, but the deferment of the touch, and even a touching of touch. There, in the body where light encounters its internal limit, another place. Man is the refuge of the invisible. All the

destitute, imaginable, nonreal things are sheltered there. What if we were the site of this conversion?)

‡ ...this touch of death (*le mort*) that touches on the soul, and heart and mind (*l'âme*) ... this touch of love (*l'amour*), and the touch of love on the point of which one dies ... there (*là*) where she (*la*)...

‡ How, then, to touch on the distance of this name? It is just to remember this one, Jean-François Lyotard, who never departed from the disorientation of the just, from all its names and phrases, its *differends* and seas ('Let us bear witness to the unrepresentable, let us activate the *differends* and save the honour of the name' [*Answering the Question: "What is Postmodernism?"*]). It will be to love the 'love of occurrence ... that designated what is at stake in the genre itself. To love what happens as if it were a gift, to love even the *Is it happening?* [*The Differend*]. What is this love that happens and renders us insensible, and that is just to come? Unrepresentable and unrepresentable, without form, this love of justice is an insensible touch which reaches out to its limit, its borders, the literal of what is said as it passes between the littoral of incalculable islands, and which touches on these borders in its abandonment. This, too then, would indicate the significance of the critical character of this irrecoverable limit, one which is given in the agitation of the sea (the sea, as judging, is an heterogeneous milieu, one that is preceded by the unrepresentable law of justice), the name Lyotard gives to the faculty of judging whose passage, indeed as passage, figures the *relata* without a preceding or determinant rule. Justice, in this sense, and judgement, is unprecedented. Judging is not a place, it is a passage. It is not insensible (do not forget that *passage*

names in French the fleeting immediacy of the Impressionist's brush-stroke, and which Lyotard refers to as a kind of *anamnesis*), but it is not a place, it is not strictly a site. So that we can say, too, that the problem is not that we can have no idea of justice, but only that we can have an idea of justice. We can not not have justice, and this is our problem, our good problem if you will (this, in effect, marks the passage between the incommensurable and the cognitive, the just and the apophantic, and the will and obligation: 'This passage from one to the other is, properly speaking, unintelligible. There is a resistance, an incommensurability ... the request that is made of me by the other ... is a request that can never be fulfilled' [*Just Gaming*]). The (non)site of judging and justice is the turn of site, a singular site which takes place in an orientation towards the lack of its rule. Hence, while there can be an ethics for the site or the island, there is no proper ethics for the site of judging, except as this crisis of judging towards its necessity. In this sense, then, there is no ethics outside the impossible of the site.

This, too, would name the inhuman region Lyotard indicates in the alterity to the self-same identical, this emergency of the non-identical other that makes possible the emergency of judging, justice, and rights. It is an emergency, too, that is a silence and an amnesty:

If we do not preserve this inhuman region where we can encounter ... that which completely escapes the exercise of rights, we do not deserve the rights granted to us. What use is the right to freedom of expression if we have nothing to say but what has already been said? And how can we have any chance of finding a way to say what we don't know how to say if we don't pay

attention to the silence of the other inside us? This silence stands as an exception to the reciprocity that characterises rights, but it is its legitimation...it is what provides the right to have rights. Yet since it has nothing to do with rights, it will always have to make do with an amnesty [*The General Line*].

This place that is not a place and not a lack of place, this justice and judging, has no name. It is unknown, *unbekannt*, *inconnu*. It is a word for a name that does not exist. It is the name for a country that does not know how to forget, the home of the dead. Here went so many beloveds, *blessés*, the blessed and the wounded, to a region I cannot name. Here the named one goes with all the unknown names into memory, which here occupied by these singular names releases memory to the necessity of its act.

(Beloved, your approach turns me in an other direction.
Impossible immanence.)

‡ The 'past that is not past': the spectre that does not haunt the present, that cannot be internalised by way of an *Erinnerung*, but which is felt and indicated as an absence without form [*Heidegger and 'the jews'*], and whose name is unsurpassable. Which is not, before all else, to forego the reality of the referent but to attend to it critically, and hence in the haunt of the present that is produced by *différée*, where 'to fight against forgetting means to fight to remember that one forgets as soon as one believes, draws conclusions, and holds for certain ... to fight against forgetting the precariousness of what has been established, of the reestablished past; it is a fight for the sickness whose recovery is simulated' [*Heidegger and 'the jews'*]. And the present: will it,

then, not be exceeded by this contamination? Will the present mark an immanence of contamination, its haunt, the real of the excess, this place where the haunt, exceeding its excess, becomes structurally different to itself, and becomes real? Will it not then be the case that the present is the site of an immemorial? Isn't the failure of memory here, now, in the present? For in what sense would we speak of a memory of the past in the past? To remember Lyotard, then, in the present, will this not be to remember the immemorial of the past?

This is not to exclude an attention to the work, and to the work written in his name, but it is also to remember that, somehow, this absence is not cognitive but is felt. He takes place from the other side of his presence. But to write of him, will this not too be to have entered into the death of a representation that can never be presented? Will writing, too, of the immemorial, not be a staging of its oblivion, and a kind of amnesty? (Nothing has been written of this uncanny absence. Writing, presenting itself in its absence, can no longer give the proper of his name. One writes, concerning the extraordinary work of Jean-François Lyotard, according to an inconceivable fault). That there is something lacking, yes, this is sure. But this failure of the name to name its proper is the lack in which writing takes place (recall his quasi-prescription in the letter to David Rogozinski: 'Writing must perform on itself – in its detail, in the restlessness of words that appear or fail to appear, in its receptivity to the contingency of the word – the very work of exploring its own weakness and energy'; or again from *The Inhuman*: 'Perhaps words themselves, in the most secret place of thought, are its matter, its timbre, its nuance, ie. what it cannot manage to think'). Writing, then, not simply as the failure of memory, and with it a whole tradition of

Platonic mnemonics, but as the memory of a singular failure. Here, then, a name in this fault, one that presents itself without our recognition, addressing us from our inconceivable dispossession, and hence too drawn in the address of an obligation, a drawing away (*ob*) and a binding (*ligare*). It is the taking place of taking place. It is a crisis...unnameable, the dispossession of language – as if writing were the trace of an irreducible fault (one whose proper name would coincide with the most unnameable naming).

‡ How to read Lyotard? His thought makes a child of us. A writing and love which testifies to an unnameable singularity. Read his letter to David Rogozinski on the aporia of writing, on this writing of Lyotard's which performs its surrender to language on itself:

In each case, we are concerned with an idiom, an absolutely singular, untranslatable way of deciphering what is happening. The point of view, the point of listening, of touch, of scent, any point at which the sensible assaults me is not transferable in space-time. We call this singularity of resonance "existence".... *Your* point of listening, of contact, etc, will never be mine. The blinding enigma of the world of existences is that in it singularities are present in the plural: they constantly come into contact with one another.... And, in this contact, love is the exception. It demands the permeability and the surrender of my field of perspective to yours. Hence the never-ending search for a different idiom of sensibility, this vertigo where my idiom and yours falter.

This is why I feel we must extend the line of the body in the line of writing. The labour of writing is allied to the work of love; but it inscribes the trace of the initiatory event in language

and thus offers to share it.... What I want to say to you is simply this: following this line does not mean shutting ourselves away in ivory towers or turning our backs on the new forms of expression bestowed on us by contemporary science and technology. It means that we use these forms in an attempt to bear witness to what really matters: the childhood of an encounter, the welcome extended to the marvel that (something) is happening, the respect for the event. Don't forget, you were and are this yourself: the welcomed marvel, the respected event.